

with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

Takes effect 90 days after adjournment.

S. S. B. No. 63.]

CHAPTER 129.

An Act to repeal Articles 4218d and 4218i, Chapter 12a, Title 87, of the Revised Civil Statutes of the State of Texas, and to add to said chapter Articles 4218ff and 4218ffl, and to amend Articles 4218e, 4218f, 4218h, 4218s, and 4218y of said chapter and title, relating to the sale and lease of public free school and asylum lands.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 4218d and 4218i, Chapter 12a, Title 87, of the Revised Civil Statutes of the State of Texas, be and the same are hereby repealed, and that Articles 4218ff and 4218ffl be added thereto, and Articles 4218e, 4218f, 4218h, 4218s, and 4218y of said chapter and title be amended so as to hereafter read as follows:

Article 4218e. The commissioner of the general land office may, from time to time, as the public interest may require, classify any or all of the lands belonging to the several funds mentioned in this chapter that have not been heretofore classified, upon such facts as may be satisfactory to him, designating the same as agricultural, grazing or timbered land, according to the fact in the particular case; and he may prescribe such regulations in relation thereto as he may deem necessary to secure a correct classification. He may also reclassify any lands heretofore erroneously classified, upon the official certificate of the commissioners' court of the county in which said land is situated, or of the county to which such county is attached for judicial purposes, certifying what the proper classification should be, said certificate to be signed by the entire commissioners' court, including the county judge, or upon such other evidence as may be satisfactory to the commissioner.

Article 4218f. When any portion of said land has been classified to the satisfaction of the commissioner of the general land office, under the provisions of this chapter or former laws, such land shall be subject to sale, but to actual settlers only, except where otherwise provided by law, and in quantities of not less than eighty acres or multiples thereof, nor more than four sections containing six hundred and forty acres, more or less; provided, that the purchaser shall not include in his purchase more than two sections of agricultural land; and provided, that where there is a fraction less than eighty acres of any section left unsold, such fraction may be sold. Any bona fide purchaser who has heretofore purchased or who may hereafter purchase any lands as provided herein shall have the right to purchase other lands in addition thereto; provided, that the total of his purchases shall not exceed four sections, and that it shall not include more than two sections of agricultural land, upon his making oath that he is not acting in collusion with others for the purpose of buying the land for any other person or corporation, and that no other person or corporation is interested in the purchase thereof. And if he or his ven-

dor has already resided upon his home section for three years, or when he or his vendor, or both together, shall have resided upon it for three years, the additional lands purchased may be patented at any time. In all cases where a settler purchases more than one section the lands in excess of one section so purchased must be situated within a radius of five miles of the land occupied by him. Where any of the lands referred to in this act have been sold prior to July 30th, 1895, in quantities greater or less than forty acres or multiples thereof, and are in good standing as to interest payments, they may be patented in such quantities. In any cases where lands have been forfeited to the State for the non-payment of interest, the purchasers or their vendees may have their claims reinstated on their written request, by paying into the treasury the full amount of interest due on such claim up to the date of reinstatement; provided, that no rights of third persons may have intervened. In all such cases the original obligations and penalties shall thereby become as binding as if no forfeiture had ever occurred.

Article 4218ff. When any purchaser buys and settles upon a section or part of a section of school lands, and buys, either at the same time or subsequently, other lands in addition thereto, a forfeiture for any legal cause of the part on which he resides, at any time before the three years residence thereon has been completed, shall work a forfeiture of the entire purchase, except such part thereof as he may have previously sold to another. But after the three years residence has been completed, a forfeiture of the home tract shall not of itself work a forfeiture of the other tract or tracts. In case of sale of any of said tracts before the three years residence has been completed, the vendee must reside thereon until he has completed the three years occupancy from the date of the original purchase, and a failure to do so shall subject his land to forfeiture; but in case of sale of any of said tracts after the completion of the three years residence, the vendee shall be exempt from the condition of settlement and occupancy.

Article 4218ff. Any actual, bona fide owner of and resident upon any other lands contiguous to said lands, or within a radius of five miles thereof, may also buy any of the aforesaid lands, but in such case a failure to reside upon either his other lands or upon a part of the additional lands so purchased by him, so as to make his ownership and occupancy thereof continuous for three years, shall work a forfeiture of such additional lands so bought from the State, unless he shall have sold his land to another who may and does complete a three years continuous ownership and occupancy of and residence upon his said lands as above stated and as is herein required of actual settlers.

Article 4218h. All agricultural lands belonging to the public free school and the several asylum funds shall be sold at not less than one dollar and fifty cents per acre; and all grazing lands shall be sold at not less than one dollar per acre; and all timbered lands shall be sold at not less than five dollars per acre. By timbered lands is meant lands valuable chiefly for the timber thereon. Provided, that the owner of land which is in fact agricultural, purchased under former laws, and which land is not subject to forfeiture at the time this law goes into effect, shall not be permitted, in case said land is forfeited, to purchase said forfeited land from the State for a less price per acre than the contract price under the former sale.

Article 4218s. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this chapter, shall make application in writing to the commissioner of the general land office, specifying and describing the particular lands he desires to lease, and thereupon, the commissioner, if satisfied that the lands applied for are not in immediate demand for purposes of actual settlement, shall notify the applicant in writing that his proposition to lease is accepted, and thereupon he shall execute to the lessee in the name and by the authority of the State of Texas a lease of said land for such time as may be agreed upon, and when satisfied that the lessee has paid to the treasurer of the State the rent for one year in advance, shall deliver said lease to the clerk of the county court of the county in which the land is situated or of the county to which said county is attached for judicial purposes, and it shall be the duty of the clerk to record in a well bound book, to be kept in his office, open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease, and the number of years it has to run; and for entering said memorandum the clerk shall be entitled to a fee of twenty-five cents. Upon the payment of said fee, the clerk shall deliver the lease to the lessee; and no other record of leases hereafter made shall be required, except said memorandum.

All lease contracts heretofore made and not recorded, shall be filed for record with the clerk of the proper county, within three months after this act takes effect, and if any lessee shall fail to have his unrecorded lease so filed for record within said time, the Commissioner of the General Land Office shall disregard said lease, and award the land to any other applicant accompanying his application with the certificate of the clerk that no lease of said land is of record in his office. When any of such leases are filed for record, the clerk shall make the memorandum or abstract above provided for. All lands which may be leased shall be subject to sale at any time except where otherwise provided herein. This provision in regard to the sale of leased lands shall apply to leases heretofore made, as well as to those hereafter to be made. Any section or part of a section which may be leased, shall not be sold, nor shall the lessee be disturbed in his possession thereof during the term of his lease, in the following cases:

1. When the lessee has actually settled upon such section, or part of a section, and erected thereon his residence and substantial improvements for permanent settlement.
2. When he has placed on such section or part of a section improvements of the value of two hundred dollars.
3. When the aggregate of the land owned by a settler and leased by him does not exceed one section.

Any lands which may be leased south and west of the line herein designated shall not be sold during the term of the lease until otherwise provided by law; provided, the sections leased by any one party are not so selected as to detach sections which are thereby left unleased. Said line begins at the northwest corner of Yoakum County; thence East, to the northeast corner of Kent County; thence South, to the north line of Fisher County; thence West, to the northeast corner of Scurry County; thence South, to the north line of Coke County; thence East, to the

northwest corner of Runnels County; thence South, to the southwest corner of Runnels County; thence East, to the northwest corner of Concho County; thence South, to the southwest corner of Concho County; thence East, to the southeast corner of Concho County; thence South, to the southwest corner of McCulloch County; thence East, to the southeast corner of McCulloch County; thence South, to the southwest corner of San Saba County; thence East, to the northwest corner of Llano County; thence South, to the southeast corner of Mason County; thence West, to the northwest corner of Gillespie County; thence South, to the southwest corner of Gillespie County; thence East, to the northeast corner of Kerr County; thence South, to the southeast corner of Bandera County; thence West, to the northeast corner of Uvalde County; thence South, to the southwest corner of Medina County; thence East, to the northeast corner of Frio County; thence South, to the northeast corner of La Salle County; thence East, to the northeast corner of McMullen County; thence South, to the southeast corner of McMullen County; thence East, to the Nueces river; thence down said stream to its mouth: Except in that portion of the State South and West of the above delineated line, any actual settler shall have the right to lease within a radius of five miles of the land occupied by him, not exceeding three sections of the land held by a lease holder who is leasing more than ten sections from the State, but shall not be allowed thereby to reduce the large leasehold to less than ten sections. In all cases where the lease is terminated under any of the provisions of this act before the expiration of the term of lease, the lessee shall have a pro rata credit upon his next year's rent, or the money refunded to him by the treasurer, as he may elect. On the expiration of his lease, or its termination under any provision of law, the lessee shall have the right for the period of sixty days to remove any or all improvements he shall have placed upon the leased premises. No purchaser or other person than the lessee shall be permitted to turn loose within such lessee's inclosure more than one head of horses, mules or cattle, or in lieu thereof four head of sheep or goats, for every ten acres of land so purchased, owned or controlled by him and uninclosed. Each violation of the provisions of this act, which restrict the number of stock which may be turned loose in such inclosure, shall be an offense, and the offender, on conviction, shall be punished by a fine of one dollar for each head of stock he may so turn loose, and each thirty days' violation of the provisions of this section shall constitute a separate offense.

Article 4218y. The Commissioner of the General Land Office may withhold from lease any agricultural lands necessary for the purpose of settlement, and no agricultural lands shall be leased, if, in the judgment of the Commissioner, they may be in immediate demand for settlement, but such lands shall be held for settlement, and sold to actual settlers only, under the provisions of this chapter; and all sections and fractions of sections, in all counties organized prior to the first day of January, 1875, except El Paso, Presidio and Pecos Counties, which sections are isolated and detached from other public lands, may be sold to any purchaser, except to a corporation, without actual settlement, at one dollar per acre, upon the same terms as other public lands are sold under the provisions of this chapter.

SEC. 2. The fact that the existing law makes no provision for a re-

classification of lands which have been erroneously classified, thus working great injustice in many cases, and that the opinion has been given out from the attorney general's office that no lands are subject to sale during the term of the lease, thus preventing settlement, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act passed the Senate by a vote of yeas 17, nays 6; passed the House with amendments by a two-thirds vote, yeas 104, nays none, and being referred to a free conference committee, the report of said committee was adopted, vote by number of yeas and nays not given in either house.]

[NOTE.—The foregoing act was presented to the Governor of Texas for his approval, on Friday, the seventh day of May, A. D. 1897, but was not signed by him nor returned to the house in which it originated with his objections thereto within the time prescribed by the Constitution, and thereupon became a law without his signature.—J. W. MADDEN, Secretary of State.]

S. B. No. 351.]

CHAPTER 130.

An Act to amend articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, relating to the creation of corporations.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Articles 641 and 642, Chapter 2, Title XXI, of the Revised Civil Statutes of Texas, be and the same are hereby amended so that hereafter they shall read as follows:

Article 641. Private corporations may be created by the voluntary association of three or more persons for the purposes and in the manner hereinafter mentioned.

Article 642. The purposes for which private corporations may be formed are:

- (1) The support of public worship.
- (2) The support of any benevolent, charitable, educational or missionary undertaking.
- (3) The support of any literary and scientific undertaking; the maintenance of a library or promotion of painting, music and other fine arts.
- (3a) For the establishment and maintenance of oil companies, with authority to contract for the lease and purchase of the right to prospect for, develop, and use, coal and other minerals, and petroleum: also, the right to erect, build, and own, all necessary oil tanks, cars, and pipes, necessary for the operation of the business of the same.
- (4) The encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock and farm products.
- (5) The maintenance of a public or private cemetery or crematory.
- (6) The construction and maintenance of any species of roads and bridges in connection therewith.